

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARK VELICER; VELICER ICE, INC.;
VELICER ICE MARINERS, LLC; and
VELICER ICE KENT, LLC,

Plaintiffs,

vs.

FALCONHEAD CAPITAL LLC,

Defendant.

Case No. 2:19-CV-01505-JLR

**STIPULATION MOTION TO EXTEND
RESPONSE DEADLINE AND TO AMEND
SCHEDULING ORDER**

**NOTED FOR CONSIDERATION:
APRIL 9, 2020**

Plaintiffs Mark Velicer; Velicer Ice, Inc.; Velicer Ice Mariners, LLC; and Velicer Ice Kent, LLC (“Plaintiffs”) and Defendant Falconhead Capital LLC (“Falconhead”) respectfully submit this stipulated motion requesting that the Court issue an order (1) extending Falconhead’s deadline to answer or otherwise respond to the First Amended Complaint (“response deadline”) to April 28, 2020; and (2) extending all deadlines in the November 18, 2019 Scheduling Order, by ninety (90) days to allow for adequate time to complete discovery and permit the efficient handling of this litigation.

The parties agree that an extension of the scheduling deadlines and the response deadline is appropriate for the following reasons.

I. PROCEDURAL HISTORY

Plaintiffs initiated this action by filing a complaint in the King County Superior Court in

King County, Washington, on August 15, 2019. Thereafter, on September 19, 2019, Falconhead removed this action to federal court.

On October 28, 2019, Falconhead filed a Motion to Dismiss the Complaint. On March 11, 2020, the Court granted Falconhead's motion to dismiss, but gave Plaintiffs leave to amend. On March 31, 2020, Plaintiffs filed their First Amended Complaint. The current deadline for Falconhead to file an answer or responsive pleading is April 14, 2020. The discovery period is currently set to expire on November 2, 2020 and the deadline for dispositive motions is December 1, 2020.

II. ARGUMENT

Responsive Pleading Deadline: Falconhead seeks an extension of the responsive pleading deadline to avoid interference with the Easter holiday. In addition, the First Amended Complaint contains a variety of new allegations. Falconhead needs additional time to investigate these allegations and prepare a motion to dismiss the First Amended Complaint. Plaintiffs do not oppose this request.

Scheduling Order: A ninety (90) day extension of the scheduling order deadlines would be appropriate under the circumstances and would serve the interest of efficiency and judicial economy.

First, the parties agree that the extended cases schedule would be appropriate to allow the parties to conduct complete discovery.

Second, the parties agree that their ability to efficiently litigate this action has been hampered by the COVID-19 pandemic and the related stay-at-home orders. As a result of these orders, the parties' access to documents and services necessary for the litigation of this action has been substantially limited. The pandemic will likely impact the Court's ability to address any discovery disputes that may arise. It also impacts the parties' ability to engage in potential third-party discovery or to travel to conduct depositions in person, which the parties wish to do if feasible. Extending the scheduling order by ninety (90) days would allow the party to

appropriately address appropriately respond to these and other possible issues.

Federal Rules of Civil Procedure 6 and 16 allow the Court to extend deadlines which have not yet passed for “good cause.” The district court is “given broad discretion in supervising the pretrial phase of litigation.” *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir.1992). “[A]n application for the enlargement of time under Rule 6(b)(1) normally will be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.” *Federal Practice & Procedure* § 1165.

Good cause exists to grant the requested extension for the reasons set forth above. There is no prejudice to the parties because the extensions proposed are by consent. The extension also will advance the interest of judicial economy. The pandemic has caused this District to continue all previously scheduled trials for some period of months. Extending the deadline here will ensure that there is adequate space on the calendar to reschedule these delayed trials and otherwise balance the Court’s workload in the coming months.

Finally, the parties make this request in good faith, motivated by a desire to engage in efficient litigation, avoid unnecessary burden and expense, and serve the interest of judicial economy. Thus, the motion should be granted.

WHEREFORE, the parties respectfully requests that the Court (1) extend the response deadline to April 28, 2020; and (2) extend all deadlines and dates in the November 18, 2019 Order, including the discovery deadline, by ninety (90) days as set forth in the attached proposed order.

STIPULATED AND AGREED to this 6th day of April, 2020 by:

s/Daniel J. Oates

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STIPULATED AND AGREED to this 6th day of April, 2020 by:

s/Caroline B. Fichter

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